

**SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING
OF
Friday, June 06, 2014**

OK Mike Wulkan
7/7/14

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by Mile Wulkan, Hearing Officer.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

CONSENT AGENDA

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):

3. May 2, 2014 PDH DRAFT MINUTES

Received and Filed

Thereafter, on motion of the hearing officer, the Planning and Building Department Hearing Minutes of May 2, 2014 are Received and Filed as recommended and are available on file at the office of the County Planning and Building Department.

4. Hearing to consider a request by **CRAIG STOLLER** for a Minor Use Permit to allow for the construction of a 13,525 square foot production winery that would be constructed in two phases. Phase 1 construction would include one building totaling 6,350 S.F. that includes: tank room (3,335 S.F.), a fermentation room (1,400 S.F.), and office/lab (625 S.F.), and a caretakers unit (970 S.F.). Phase 2 construction would include an additional 7,175 S.F. building that would include: a barrel storage room (4,700 S.F.), and a 2 storage rooms (2,475 S.F.). Areas outside of the winery building that is connected by a breeze way would include a covered crush pad (8,085 S.F.) and a deck (480 S.F.). Maximum wine production with build out would be 15,000 cases. The project does not include public tasting and special events. The project will result in the approximate disturbance of 2.5 acres of the 114 acre parcel. The project is located within the Agriculture land use category, on the (west) side of South El Pomar at the intersection with Almond Drive, in the El Pomar/Estrella planning area, approximately 7 miles east of the community of the community of Templeton. Also to be considered at

the hearing is approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 4, 2014 for this project. A Negative Declaration has been issued on April 23, 2014 for this project. Mitigation measures are proposed to address visual, air quality, biological, geology and soils, and wastewater and are included as conditions of approval.

County File Number: DRC2013-00014
Supervisory District: 1
Rob Fitzroy, Project Manager

Assessor Parcel Number: 033-291-034
Date Accepted: November 27, 2013
Recommendation: Approve

Thereafter, on motion of the hearing officer, the request by CRAIG STOLLER for a Minor Use Permit (DRC2013-00014) is granted based on the Findings A. through G. listed in Exhibit A and subject to the Conditions 1 through 28 listed in Exhibit B (Document Number: 2014-031_PDH).

5. Hearing to consider a request by **RICHARD & MICHELLE FROEHLICH** for a Minor Use Permit/Coastal Development Permit to allow a residential remodel and addition to an existing single family residence and adjustment to allow a new covered porch to project a maximum of six (6) feet into the front yard setback. The project will include a new 334 square foot attached garage, approximately 219 square feet of additional living space on the first floor, and a new 246 square foot covered porch. Approximately 96 square feet of the covered porch will project a maximum of six (6) feet into the front setback. Maximum height of the proposed project is 18 feet as measured from the street centerline of Pacific Avenue. The proposed project is within the Residential Single Family land use category, within the Small Scale Design Neighborhood, and is located at 473 Pacific Avenue, approximately 70 feet northeast of the intersection of 5th Street and Pacific Avenue in the community of Cayucos. The site is in the Estero planning area. This project is exempt from CEQA (Class 1).

County File Number: DRC2013-00074
Supervisory District: 2
Megan Martin, Project Manager

Assessor Parcel Number: 064-143-010
Date accepted: March 24, 2014
Recommendation: Approve

Thereafter, on motion of the hearing officer, the request by RICHARD & MICHELLE FROEHLICH for a Minor Use Permit/Coastal Development Permit (DRC013-00074) is granted based on the Findings A. through J. listed in Exhibit A and subject to the Conditions 1 through 23 listed in Exhibit B (Document Number: 2014-032_PDH).

6. Hearing to consider a request by **THOMAS MAINO** for a Minor Use Permit to allow construction of a 12,007 square foot, one-story, commercial office building. The project site is Lot 5 of Tract 2368, a commercial service business park subdivision, recorded in 2006. The project will result in disturbance of the entire 1.08 acre parcel. The proposed project is within the Commercial Service land use category and is located at 1133 Farmhouse Lane, adjacent to the southern city limits of the City of San Luis Obispo. The site is in the San Luis Obispo planning area. The Environmental Coordinator finds that the previous Mitigated Negative Declaration that was adopted for Tract 2368 is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major

revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted on August 14, 2003.

County File Number: DRC2013-00082.
Supervisory District: 3.
Stephanie Fuhs, Project Manager

Assessor Parcel Number: 076-512-005
Date Accepted: April 22, 2014
Recommendation: Approve.

Thereafter, on motion of the hearing officer, the request by THOMAS MAINO for a Minor Use Permit (DRC2013-00082) is granted based on the Findings A. through F. listed in Exhibit A and subject to the Conditions 1 through 39 listed in Exhibit B (Document Number: 2014-033_PDH)

7. Request by the **PRICE HINDS PLAZA LLC (Oceano Community Farmer's Market)** for a Minor Use Permit to allow a community farmer's market to be held on Saturday afternoons (four hour maximum including set up and break down) at 1341 Paso Robles Street, approximately 25 feet east of Front Street and 13th Street intersection. The applicant is also requesting four, one-day community events (temporary events) annually to be held at the same site. The proposed project is within the Commercial Retail land use category and is located in the community of Oceano. The site is in the San Luis Bay planning area. This project was granted Class 4 Categorical Exemption (ED13-228) on May 7, 2014.

County File Number: DRC2013-00079
Supervisory District: 4
Project Manager: Schani Siong

Assessor Parcel Number: 062-042-044
Date Accepted: April 14, 2014
Recommendation: Approve.

Thereafter, on motion of the hearing officer, the request by PRICE HINDS PLAZA, LLC (Oceano Community Farmer's Market) for a Minor Use Permit (DR2013-00079) is granted based on the Findings A. through F. listed in Exhibit A and subject to the Conditions 1 through 11 listed in Exhibit B, with newly revised Condition 6 to read: "Prior to any special event associated with the farmer's market, the applicant shall submit an approved/signed lease agreement and/or parking use permit to the Department of Planning and Building for review and approval to use the overflow parking area allowed by Oceano Community Services District". (Document Number: 2014-034_PDH).

HEARING ITEMS

8. Hearing to consider a request by **CENTRALLY GROWN INC./DAVID ROBERTSON** for a Minor Use Permit (MUP) to remodel and change the use of existing structures. The project would perform interior and exterior structural modifications to existing on-site structures to meet current Building Code requirements. The project would include a change in use of an existing single family residence and commercial storage structure to commercial retail. The project is located at 7432 Exotic Garden Lane, Cambria, in the North Coast Sub Area planning area. Also to be considered at the hearing is approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 4, 2014

for this project. Mitigation measures are proposed to address biological resources and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearings.

County File Number: DRC2012-00119
Supervisory District: 2
Rob Fitzroy, Project Manager

Assessor Parcel Number: 013-381-002
Date Accepted: 11/21/13
Recommendation: Approve

Rob Fitzroy, Project Manager: presents project via a Power Point presentation.

Mike Wulkan, Hearing Officer: questions staff regarding which specific things concerning the project are triggering the need for a Minor Use Permit and water usage. Rob Fitzroy, Project Manager, responds.

Cherisse Sweeney, Agent for Applicant: speaks on ownership and intent of the overall project, states she is available for questions.

Mike Wulkan, Hearing Officer: questions Ms. Sweeney regarding the intent and proposed use of building 4, and possibility of sponsoring special events, Ms. Sweeney responds.

Khosro Khaloghli, Neighboring Property Owner: requests that his assistant speak for him.

Celeste Gouer, Assistant to Mr. Khaloghli: states reasons why project should be denied or continued.

Mr. Khaloghli states more reasons for denying project.

Laurel Stewart, citizen: states reasons for not approving project.

John Crowther: resident: states objections to project.

Jamie Kirk, Agent for Applicant: responds to some concerns raised.

Mike Wulkan, Hearing Officer: questions Ms. Kirk regarding historic commercial use of property. Ms. Kirk responds.

Cherisse Sweeney, Agent for Applicant: responds to some concerns raised, states is available to answer any questions if needed.

Mike Wulkan, Hearing Officer: requests staff to respond to concerns raised, including the error in Exhibit's F and I of the Findings. Rob Fitzroy, Project Manager, responds. Mr. Wulkan also questions staff regarding the possibility of the need for a Development Plan approval instead of a Minor Use Permit approval.

Steve McMasters, Planning Staff: responds to Mike Wulkan's question regarding the Development Plan.

Rob Fitzroy, Project Manager: responds to other concerns and questions raised during testimony.

Steve McMasters, Planning Staff: responds to a few of the concerns raised.

Mike Wulkan, Hearing Officer: requests staff to verify some aspects of the project and some of the concerns/issues that were raised. Rob Fitzroy, Project Manager, responds.

Thereafter, on motion of the hearing officer, the request by CENTRALLY GROWN, INC./DAVID ROBERTSON for a Minor Use Permit (DRC2012-00119) is granted based on the Findings A. through J. listed in Exhibit A with the newly revised Finding F. which will now read: "The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Exotic Gardens Lane which is constructed to a level able to handle any additional traffic associated with the project." Also based on the newly revised Finding I. which will now read: "The proposed mixed-use development will not remove or convert existing lower-cost visitor or recreational facilities, but will add to the inventory of commercial and visitor-serving uses". And subject to the Conditions 1 through 23 listed in Exhibit B, including the following revisions and newly added Conditions. Newly revised Condition 1, which will now read: "Building 4 - Convert commercial structure to accessory restaurant use for patron overflow, banquets or meetings only. Building 4 shall not include a commercial kitchen or serve as a standalone restaurant. Add 392 square foot deck. Interior/exterior structural modifications as required by Building Code." Newly added Condition 3 which shall read: "No temporary events are permitted other than temporary events ancillary to the primary restaurant, or as allowed by Ordinance. Additional events would require permitting as required by Ordinance or standards." Newly revised Condition 5 which shall now read: "At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. Parking lot lighting bollards shall not exceed 48 inches in height." Newly added Condition 11 shall read: "At the time of application for construction permits, the applicant shall submit a drainage plan prepared by a Registered Civil Engineer for review and approval by the County Public Works Department. The plan shall, at a minimum evaluate: 1) the effects of the project's projected runoff on adjacent properties and existing drainage facilities and systems, and 2) estimates of existing and increased runoff resulting from the proposed improvement. The plan shall include Best Management Practices (BMPs) to address polluted runoff, including, but not limited to minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways) and directing runoff from roofs and drives to vegetative strips before it leaves the site." Newly added Condition 12 shall read: "At the time of application for construction permits, a sedimentation and erosion control plan shall be prepared per County Coastal Zone Land Use Ordinance Section 23.05.036 for review and approval by the County Public Works Department, and it shall be incorporated into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices, final erosion control measures, and control of the off-site effects". Newly added Condition 13 shall read: "At the time of application for construction permits, the applicant shall request an encroachment permit from Public Works for drainage improvements that would occur within the County right-of-way". Newly added Condition 14 which shall read: "At the

time of application for construction permits, the applicant shall submit plans that comply with the requirements of the National Pollution Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance." Newly added Condition 20 shall read: "Prior to occupancy clearance, the Department of Planning and Building shall confirm that the water conservation measures described in the Mitigated Negative Declaration for the project have been implemented." Newly added Condition 23 shall read: "All uses on the project site shall conform to the noise requirements as established by Ordinance at all times." Conditions have been renumbered accordingly. (Document Number: 2014-035_PDH).

ADJOURNMENT

Next Scheduled Meeting: June 20, 2014, in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

Donna Hernandez, Secretary Pro Tem
Planning Department Hearings